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SUMMARY RECORD OF THE 9th MEETING

Chairman: Mr. AL-SHAALI (United Arab Emirates)

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The meeting was called to order at 3 p.m.

AGENDA ITEM 92: ELIMINATION OF RACISM AND RACIAL DISCRIMINATION (A/46/3 (chap. IV, sect. A), A/46/18, A/46/166, A/46/183, A/46/184, A/46/344, A/46/391, A/46/447, A/46/465, and A/46/501; E/1991/39; A/C.3/46/2)

AGENDA ITEM 93: RIGHT OF PEOPLES TO SELF-DETERMINATION (A/46/166, A/46/184, A/46/292, A/46/294, A/46/304, A/46/344, A/46/459 and A/46/501)

1. Mr. TARASIUK (Ukraine) said that the current historic times had shown that self-determination was an inalienable right which all people should be able to exercise regardless of their own particular type of society. Problems concerning self-determination arose both at national and international level and were inseparable from human rights questions, since violation of the right to self-determination inevitably went hand-in-hand with terrible conflicts and human rights violations.

2. In recent times the international community had witnessed the struggles of many peoples and States - including Yugoslavia, Western Sahara, Palestine, Afghanistan, Kuwait, Haiti, the Baltic States and Cyprus - to obtain or regain the right freely to choose their own destiny.

3. Special mention should be made of Namibia, since the recent victory of that sorely oppressed people had ended the colonial era in Africa. He also referred to Korea, which had received firm backing from the United Nations, the reunification of Germany, which had fulfilled the desire of the German people to establish a single State, and the independence of Lithuania, Latvia and Estonia. Ukraine, whose Parliament had been one of the first to condemn the aggression against Kuwait, welcomed all those historic events and hoped that the United Nations would respond positively to the initiatives taken by the other Republics of the former Soviet Union.

4. With regard to Ukraine, a declaration had been adopted on 19 July 1991 concerning the sovereignty of the Republic, the first part of which affirmed that Ukraine was a sovereign State exercising its inalienable right to self-determination. Ukraine now had its own Constitution and was directly responsible for its external and internal policy. Furthermore, by declaring the indivisibility of its territory, it had renounced any territorial claims on its neighbours and had categorically rejected any possible claims by the latter to its own territory.

5. The new independent Republic had reaffirmed the value of the principles of the United Nations Charter, the Helsinki Final Act and the Union treaties, where the latter did not run counter to the country's national interests.

(Mr. Tarasiuk, Ukraine)

6. As the Chairman of the Supreme Rada had stated before the General Assembly, Ukraine had become a united, independent Rule of Law State, based on democratic principles. The Constitution of the new State would be sanctioned by the will of the people as expressed in the referendum to be held on 1 December 1991.

7. The Ukrainian people had experienced very difficult times during its struggle to create its own State and had taken upon itself to ensure that the process that was now unfolding continued in a peaceful and democratic manner, taking account of the interests of all the nationalities making up the Republic. The ideology of the unitary State which had gone before would be rejected and in future the rights of national minorities would be respected and every effort made to deal with a question which had no definitive solution but which could not serve as a pretext for preventing a people from exercising its right to self-determination.

8. Ukraine, which hoped to enjoy relations of equality with all countries which so desired, considered that the international community should display solidarity and cooperation with those peoples struggling to be able to freely choose their own form of economic, social and political development.

9. The elimination of racism and racial discrimination had been one of the main aims of the United Nations since its inception. The Special Committee against Apartheid and the Committee on the Elimination of Racial Discrimination had contributed actively to the promotion of that aim.

10. Recent events in South Africa, including the abolition of more than 100 discriminatory laws, had highlighted the Government's desire to move towards the eradication of apartheid. Clearly that objective was far from being attained and the struggle would have to go on.

11. Racism also found expression in the discrimination practised against ethnic and religious minorities and migrant workers. In that connection, it was vital to ensure that all the States parties to the International Convention on the Elimination of All Forms of Racial Discrimination assumed their responsibilities. Appropriate laws and regulations also needed to be adopted at national level.

12. The international community had agreed that monitoring of the implementation of human rights instruments did not constitute interference in internal affairs. It would therefore be useful to introduce monitoring mechanisms in that sector similar to those governing the peaceful use of nuclear power.

13. Ukraine, a State made up of many nationalities, was doing all within its power to strengthen the principle of equality between peoples and to respect the rights of all minorities.

(Mr. Tarasiuk, Ukraine)

14. A ceremony had recently been held in Kiev to observe the fiftieth anniversary of the massacre at Babi Yar, a prime example of the horrors which could be caused by racism and discrimination.

15. Ukraine was opposed to all manifestations of anti-Semitism. It considered that the position that zionism was a form of racism, as stated in General Assembly resolution 379 (XXX), reflected the outdated ideology of an era of confrontation and was no longer tenable.

16. Mr. KABIR (Bangladesh) said that unprecedented changes were taking place around the world, tearing down ideological barriers and uprooting autocratic regimes. However, much of the enthusiasm aroused by such developments evaporated in the face of the shameful persistence of racism.

17. In South Africa, where for more than half a century the odious system of apartheid had been in force as a State policy, positive signs were beginning to appear and people seemed to have finally come to realize that apartheid could not be reformed but must be dismantled in its entirety.

18. Bangladesh opposed all forms of discrimination whether based on sex, caste, creed, religion or colour, and all forms of colonial domination, as demonstrated by its own struggle for independence.

19. Bangladesh was proud that, after a nine-year struggle to restore democracy, it now had a democratic Government freely elected by the people through impartial elections. It had suffered repeated armed conflicts and natural disasters with serious economic consequences. Nevertheless, it was firmly committed to the fight against discrimination and racism.

20. The people of South Africa must be allowed to exercise their fundamental right of self-determination, and the Pretoria regime should act quickly to restore political rights to the black majority and offer it equal opportunity, to promote its economic well-being. That majority must also be provided with incentives and subsidies to make up for what had so long been denied them.

21. He expressed only cautious optimism with respect to the possibility that the measures taken by the Government and the approach adopted by the African National Congress (ANC) and other political groups might put an end to apartheid. Once that goal had been achieved, Bangladesh would gladly welcome the new South Africa as a sovereign and self-respecting nation.

22. After describing Israel as a blot on the conscience of freedom-loving people, because of its illegal occupation of Palestine, he outlined the situation of the Palestinian people, saying that it was due to Israel's unrelenting persecution and systematic oppression of innocent civilians in the occupied Arab territories that the question of Palestine remained unresolved.

(Mr. Kabir, Bangladesh)

23. With respect to the convening of a peace conference on the Middle East, he was pleased that all the Arab countries involved, including the Palestinians, were in agreement, but noted that Israel, while agreeing, had established preconditions which could only be seen as a ploy to frustrate the peace process. It was his delegation's sincere hope that Israel would heed the international community and would participate in the negotiations unconditionally. As a demonstration of its sincerity, it should desist from building settlements and cease its evil design which was to create a demographic imbalance in the occupied territories.

24. He was confident that negotiations would lead to full implementation of United Nations Security Council resolutions 242 (1967) and 338 (1973), and said that his country would do everything possible to achieve that goal. Furthermore, he called on the people of Israel not to hinder any further the march of humanity towards a new goal.

25. After reviewing some of the positive results achieved after years of deliberation in the United Nations, he said that the yearning for the principle of self-determination was increasingly taking root throughout the world. The quest for peace, justice, equality and freedom should continue as, too, should efforts to mobilize and strengthen political will against the evils of racism and subjugation in order to establish a new world based on the principle of the shared heritage of mankind.

26. Racism was an attitude which could be changed by educating society, helping people to broaden their outlook and overcome age-old prejudices and the blindness which had led them to believe in the supremacy of one nation or race over another. There was also another form of discrimination based on and individual's economic status. In order to find a solution, that problem must be discussed openly; however, that must be done in some other forum.

27. He emphasized the importance of universal adherence to the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Suppression and Punishment of the Crime of Apartheid, and reaffirmed his country's determination to implement the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination. Many of the objectives of the second Decade had not been achieved, and, therefore, Bangladesh welcomed the proposal to launch a third Decade; it hoped that there would be no need for a fourth.

28. Mr. ABRAR AHMED (India) said that in a world where old rigidities were giving way, the one anachronism that remained was racism and racial discrimination as embodied by apartheid, despite measures initiated to dismantle it. While political dialogue on the future of South Africa had begun, the parties continued to differ over the character of the new Constitution and the means for its implementation. His delegation was disturbed by the recurrent violence in black townships and pointed out that agents of the white minority had been financing black violence in order to prevent solidarity in the black community.

(Mr. Abrar Ahmed, India)

29. Referring to political prisoners in South Africa, he welcomed the agreement worked out between the United Nations High Commissioner for Refugees and the South African authorities on the voluntary repatriation of South African refugees and political exiles. It remained for the South African Government to release all political prisoners and put an end to the violence in order to create a climate conducive to negotiations leading to an agreement on transitional arrangements and mechanisms for drafting a new constitution.

30. It was important to recall that the valiant struggle of the oppressed people of South Africa and the relentless pressure of the international community through the United Nations and other forums had obliged the South African Government to begin that process. The United Nations had a particular responsibility to ensure that the process of change in South Africa was carried to its logical conclusion.

31. With regard to the Second Decade to Combat Racism and Racial Discrimination, his delegation took note of the recommendation of the Commission on Human Rights that a third Decade should be launched.

32. Noting, also, that the Subcommission on Prevention of Discrimination and Protection of Minorities had requested the Secretary-General to prepare an overview of current trends in racism, discrimination, intolerance and xenophobia and other related matters, he expressed concern about the growing link between nationalism and xenophobia, since nationalism was being used as a justification for discriminatory practices. Genuine nationalism could not be strengthened by xenophobia; on the contrary, intolerant nationalism quickly degenerated into despotism and tyranny.

33. He pointed out, in that context, that situations where new forms of racial discrimination had emerged should be examined. The provisional government of Fiji was attempting to institutionalize racism. Its new constitution contained provisions that were contrary to universally accepted principles of democracy and human rights and that institutionalized oppression and injustice based on ethnic divisions. The United Nations should impress upon the regime in Suva that its undemocratic policies were out of place in a world where the democratic exercise of power was becoming ever more important.

34. It was unfortunate that the activities of the Committee on the Elimination of Racial Discrimination has been hampered by a lack of funds but he was glad that, even so, the Committee had been able to maintain its schedule of two annual sessions. India attached great value to the work of the Committee and hoped to be able to help in solving its financial problems at the meeting of States parties to the International Convention on the Elimination of All Forms of Racial Discrimination due to be held early in 1992.

35. In conclusion, he emphasized the importance of the preliminary report by the Special Rapporteur on the question of the use of mercenaries (A/46/459) and said that his delegation hoped to comment on it at the next session of the Commission on Human Rights.

36. Miss BACH-TOBJI (Tunisia) said it was a paradox that, just when a new world order was emerging in which the international climate favoured dialogue, coexistence and mutual understanding, racism should continue to be an alarming reality, so much so that it was still a priority item on the Organization's agenda.

37. With reference to the apartheid regime still surviving in South Africa, she pointed out that despite the positive steps taken recently, notably the abolition of the fundamental laws on which that odious regime had been based, the agreement on the repatriation of exiles between Pretoria and the United Nations High Commissioner for Refugees, and the signing of a peace treaty between the various political leaders, it was wise to remember that discriminatory practices had not disappeared and that the South African regime, even though it had succeeded in removing the legislative pillars of apartheid, had not been able to contain the wave of violence that had swept the country and was putting to the test the climate of hope and political dialogue that had begun to emerge. The international community's ultimate goal of a united, democratic and non-racist South Africa was far from being realized.

38. Her delegation was convinced that sanctions and pressure from the international community were still the most effective means of bringing about the dismantling of that odious regime and must therefore be maintained. In addition, she urged the Pretoria regime to speed up the process of eliminating apartheid altogether and to take immediate steps to contain violence and protect the black population. Only a climate that encouraged negotiations between all the South African factions would permit the country's peaceful transition to a democratic society, as envisaged in the Declaration on South Africa adopted by the General Assembly in 1979.

39. The Tunisian delegation was also concerned about the new form of racism, otherwise called intolerance and xenophobia, directed against migrant workers. Her delegation again denounced the ill-treatment of migrant workers and voiced its deep disquiet that racism and xenophobia were reappearing and that such workers were being openly rejected in all kinds of ways. It deplored the intolerance and extreme prejudice against them exhibited by certain elements in the host countries and appealed to the Governments of those countries to take new measures to put an end to manifestations of racial tension and their causes. In addition, it believed that if receiving countries strengthened their preventive measures against racist acts and incitement to hatred, such workers could be protected and a spirit of tolerance could be developed.

40. The closing of frontiers or the harassment practised by some countries against migrants could not help to solve the thorny problem of emigration. The only way of slowing the migratory flows towards industrialized countries was by providing incentives for the citizens of developing countries to remain in their home countries and by helping the latter to create new job opportunities thus enhancing the prospects for a decent life. Particular

(Miss Bach-Tobji, Tunisia)

attention should be paid to legalizing the situation of immigrants resident in receiving countries, protecting their interests and respecting their acquired rights.

41. In spite of its insistence on drawing attention to certain manifestations of racism, her delegation wished to emphasize the efforts made by the international community during the Second Decade to Combat Racism and Racial Discrimination. However, much still remained to be done and the desired results were far from being achieved. It believed that better coordination between the competent bodies of the United Nations would lead to an increase in the effectiveness of the Organization's activities. Finally, it supported the recommendation to have a third decade to combat racial discrimination.

42. Her delegation praised the move to hold the joint meeting of the Committee on the Elimination of Racial Discrimination and the Subcommission on Prevention of Discrimination and Protection of Minorities, which had facilitated an exchange of opinions on preventing racial discrimination and on the forthcoming World Conference on Human Rights. Racial discrimination should be one of the subjects of the Conference.

43. Turning to the item on the right to self-determination, her delegation pointed out that despite the winds of democracy and equality blowing on the world scene, the Palestinian people had not benefited from that right. However, the political will of the international community to solve the problem by convening a peace conference, as also the flexibility shown by the Palestinians, who were trying to smooth the way towards a peaceful solution of the conflict should be acknowledged. Her delegation considered it appropriate to point out that the problem should be solved by implementing the relevant United Nations resolutions, recognizing the legitimate rights of the Palestinian people, and by the withdrawal of Israel from all the occupied territories, including Jerusalem.

44. After noting Israel's intransigence and obstinacy in not complying with the United Nations resolutions, she said that Tunisia considered it urgently necessary for the international community to demand that Israel put a stop to its repressive practices, so that a climate of trust that would facilitate the opening of negotiations could be established between all the interested parties.

45. Mr. KRENKEL (Austria) said that United Nations instruments had always upheld the principle of the dignity and equality of all human beings without distinction. The International Convention on the Elimination of All Forms of Racial Discrimination had been ratified by almost all the States Members of the United Nations and the Organization had launched two Decades to Combat Racism and Racial Discrimination. Austria had always supported the efforts of United Nations bodies to contribute to the elimination of racial prejudice and racism, and it believed that a third decade should be proclaimed and used to focus on new forms of racism against migrant workers, minorities, non-citizens, religious groups and indigenous populations.

(Mr. Krenkel, Austria)

46. Migratory flows had increased in recent years, particularly in Europe. Most people seeking asylum in Austria, a highly developed country economically, did so for economic and social reasons, not for political ones. The Austrian Government was working out a nation-wide integration strategy involving all parties concerned and, at the regional level, had taken the initiative of drawing up a European Convention on Migration, because migratory movements were world-wide in scope and were not only East to West but also South to North. Since development and migration were directly linked, the promotion of better economic and social conditions might inhibit unchecked migratory movements.

47. The Committee on the Elimination of Racial Discrimination and the Subcommission on Prevention of Discrimination and Protection of Minorities played an essential role. The work of the Committee as the supervisory organ of the Convention was seriously hampered by the regrettable fact that almost half of the States parties to the Convention did not pay their outstanding contributions or submit their reports in time. Austria would support any decisions by the States parties that would lead to funding from the general budget for all human rights treaties, since human rights questions were one of the pillars of United Nations activities.

48. The positive events that had taken place in South Africa gave hope for the total dismantling of the apartheid system. Policies of racial discrimination and segregation had led to a highly fragmented social system that frustrated conflict resolution. Austria hoped that de jure abolition of apartheid would be followed by the elaboration of a non-racial democratic constitution and the creation of a united, non-racial and democratic South Africa based on the principle of "one person, one vote". On 24 September 1991, in response to the legal progress achieved in South Africa and to encourage further progress, the Austrian Government had decided gradually to suspend some of the economic sanctions for a period of 12 months, subject to review in one year in the light of further developments. Still, Austria considered that the pressure for change must be maintained in order to get rid of apartheid once and for all.

49. All peoples had the right to self-determination and, by virtue of that right, to freely determine their political status and freely pursue their economic, social and cultural development. Austria attached particular importance to the provisions of article 1 of the Covenants, which constituted the basis for the guarantee and implementation of all universally accepted norms in the human rights field. Democracy, political freedom and free elections were prerequisites for ensuring the equal rights of men and women. In that connection, international economic cooperation was a major factor.

50. Austria welcomed the profound changes that had taken place in Eastern Europe and the final realization of the right to self-determination by the Baltic States, but it was deeply disturbed by the bloodshed and destruction in Yugoslavia. In Slovenia and Croatia, the population had opted for

(Mr. Krenkel, Austria)

independence, and the Austrian Government appealed to all the parties involved in the conflict to bring the hostilities to an immediate end, to secure the future coexistence of the peoples of Yugoslavia in accordance with the rule of law and respect for human rights, and to make possible pluralism and democracy in line with the desires expressed by the Yugoslav people. At the same time, Austria appealed for respect of the rights of all nationalities and national minorities in the various Yugoslav republics, including the Serbian minority in Croatia. The creation of new States must not lead to the oppression of national minorities and one form of oppression must not be allowed to be replaced by another.

51. Austria supported all efforts to overcome the obstacles to peace in the Middle East and recognized the right of the Palestinian people to self-determination. It appealed to all parties to seize the opportunity to convene a peace conference on the Arab-Israeli conflict and the Palestine question, with a view to reaching a peace settlement based on Security Council resolutions 242 (1967) and 338 (1973).

52. The United Nations was preparing a referendum in Western Sahara. Austria would provide police and military staff to the United Nations Mission for the Referendum in Western Sahara (MINURSO). The delay in sending the Mission was worrisome and Austria called on all parties to comply strictly with the peace plan and to cooperate with the Secretary-General and his Special Representative.

53. On 1 May, the people of Myanmar had clearly expressed the will to introduce a multi-party system. Austria repeated its appeal to the authorities of Myanmar to enter into a dialogue with the opposition, release all political prisoners and respect the will of the people.

54. With regard to the situation in Afghanistan, Austria welcomed the recent declaration by the Secretary-General that representatives of all segments of the Afghan people should come together to implement the five elements contained in the Secretary-General's statement of 21 May 1991. A political solution to the Afghan problem was imperative in order to alleviate the suffering of hundreds of thousands of refugees and displaced persons in Afghanistan and neighbouring countries.

55. Austria welcomed the progress achieved in the process of national reconciliation in Cambodia and would collaborate actively with the United Nations Transitional Authority in Cambodia (UNTAC). It hoped that the peace agreements would soon be signed in Paris.

56. Mr. SILOVIC (Yugoslavia) said that the promotion and protection of human rights and fundamental freedoms was one of the major goals of the United Nations and efforts to eliminate racism and racial discrimination were one of the most important human rights tasks. The resurgence of racism and discrimination in all its forms, including anti-Semitism, was deeply disturbing.

(Mr. Silovic, Yugoslavia)

57. The policy of apartheid was racism in its most extreme and inhuman form; although the main pillars of apartheid had been removed, the foundation of the system, South Africa's anti-democratic constitution, was still in force. It was to be hoped that the negotiations on a new constitutional agreement would be expedited.

58. Yugoslavia attached great importance to the work of the Committee on the Elimination of Racial Discrimination and shared the concerns about the Committee's financial situation resulting from the failure of a number of States parties to fulfil their financial obligations under the Convention. Yugoslavia supported the efforts of the Secretary-General to find the most appropriate mechanism for financing the Committee's expenses, as well as the proposal that the question should be placed on the agenda of the next meeting of the States parties to the Convention, to be held in New York early in 1992.

59. In the light of the increasing importance of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, all Member States should proceed to ratify it so as to assure its early entry into force.

60. Improvement of the situation of national minorities and protection of their rights were of particular importance. Yugoslavia hoped that the open-ended working group for drafting a declaration on protection for the rights of national, ethnic, religious and linguistic minorities would complete its work so that the declaration could be adopted at the forty-seventh session of the General Assembly.

61. In today's world of growing interdependence among countries and peoples, the right to self-determination should be reconciled with the ongoing processes of cooperation and integration. Exercise of the right to self-determination without respect for certain criteria and an appropriate legal framework could be destructive not only for Governments and States but for the peoples themselves.

62. All over Central and Eastern Europe, national identities were reaffirming themselves. National and ethnic feelings and aspirations were being superimposed on antagonisms and conflicts inherited from the past, which was particularly dangerous for multiethnic States and communities.

63. Unfortunately, the crisis in Yugoslavia offered a tragic example of that phenomenon. It testified, firstly, to the fact that although the right to self-determination should be recognized, it could not be exercised through force, but only peacefully, in agreement with other peoples and minorities and through respect for human rights and international law; and, secondly, that the right to self-determination should not become an obstacle to the coexistence of different nations and minorities in multiethnic societies. The question also arose of who was entitled to exercise that right. Carrying the exercise of the right to self-determination to extremes would ultimately result in a disastrous fragmentation of the international community.

(Mr. Silovic, Yugoslavia)

64. Yugoslavia was being bled white by its internal conflicts, which to a great extent could be attributed to antagonistic positions on self-determination. Many countries, mostly European countries, were making selfless efforts to help Yugoslavia. However, that was not true of Albania, which was fanning the flames in a further display of its territorial ambitions against Yugoslavia and Serbia with the aim of creating a greater Albania.

65. It was no surprise that Albania's policy had recently intensified problems in Yugoslavia, ranging from demands for autonomy by Albanians in Yugoslavia to requests for the creation of an independent Albanian State in the territory of Yugoslavia. Was Albania, or any other country, willing to grant the right to self-determination and secession to any of its national minoritites? Probably not. Why then was Yugoslavia requested to do so? The answer was obvious: Albania's unmasked territorial ambitions. It was to be hoped that the tragedy besetting Yugoslavia would serve as a warning that situations of that kind must not recur and that such problems must be resolved solely through negotiation and by peaceful and democratic means.

66. Mr. MONTALVO (Ecuador) said that his country had always acted in strict consonance with activities and programmes under the Second Decade to Combat Racism and Racial Discrimination, a clear example being the effective implementation of measures which had contributed to a greater understanding of the various ethnic groups in Ecuador. Through innovative initiatives and specific proposals, the Government had fostered an unprecedented atmosphere of dialogue and debate, which had increased the awareness of Ecuadorian society as to its multicultural and multinational nature. Thus, various ethnic groups had found a means of expression and organization and had been able to debate and negotiate their problems with the rest of the population. While much remained to be done and difficulties, and even acts of violence by some parties, inevitably arose in any dialogue, for the first time there existed the will to treat indigenous nationalities with dignity and respect on a basis of equality.

67. Ecuador's report, contained in document E/1991/39, detailed all the activities it had undertaken in that domain. The Government was ready to consider any comment and exchange views on domestic developments and to share its experience with the international community. Similarly, it was prepared to discuss the content of Ecuador's report, contained in document CERD/C/197/Add.9, and to exchange points of view and provide any clarification deemed necessary.

68. In that regard Ecuador endorsed the appeals for the timely submission by countries of national reports, which provided a valuable means of comparison and an ideal way to exchange experience to the benefit of all. That undertaking was all the more urgent since a third decade was being organized without full information being available on the current Decade. He noted the usefulness of the Manual on Human Rights Reporting (E.91.XIV.1), and observed that the chapter on racial discrimination had been written by Mr. Valencia Rodríguez, former Minister for Foreign Affairs of Ecuador.

(Mr. Montalvo, Ecuador)

69. Ecuador attached great importance to the work of the Committee on the Elimination of Racial Discrimination, whose contribution had been extremely valuable. His delegation wished to become a member of the Committee, and had submitted the candidature of Mr. Valencia Rodríguez, an expert in the field.

70. Ecuador shared the concern of the Secretariat regarding the Committee's financial situation, and noted the delicacy of the question of a "contingency reserve fund", given which his delegation supported the proposal that the matter should be considered by the States parties to the Convention at their January 1992 meeting.

71. In principle Ecuador supported the idea of a third decade, provided that an objective evaluation was carried out of the current Decade, that clear and attainable goals were formulated and that funding was duly considered. The advances represented by the draft model legislation against racism and racial discrimination were very important. The proposal to include racism and racial discrimination as an item at the World Conference on Human Rights to be held in 1993 was worthy of support.

72. With regard to apartheid, his Government viewed it as a system that should be completely eradicated once and for all. Resolutions on the issue should reflect the changes which had been taking place for some time in the Pretoria Government, but should also firmly and categorically reject and condemn that shameful system. Further, it was regrettable to note that there were transnational corporations that, benefiting from the passivity, to say no more, of their Governments, failed to comply with United Nations resolutions, as indicated in document A/46/391. That situation was particularly serious given the attitude recently displayed by Member States with regard to the imposition of sanctions against a certain country. Such a changeable and inconsistent stance on the part of some States did not serve the Organization well, and tended to reinforce the erroneous impression that a double standard of behaviour was applied at the United Nations. It was no coincidence that most of those corporations were based in countries which had not acceded to the International Convention on the Suppression and Punishment of the Crime of Apartheid.

73. His Government condemned the new and subtle forms of racial discrimination and xenophobia which were manifesting themselves in various ways. Migrant workers, displaced families, indigenous populations and minority ethnic groups were frequently marginalized and subjected to injustices.

74. Turning to item 93, he said that Ecuador had always supported and defended the principle of the self-determination of peoples. His Government rejected all forms of colonialism and neo-colonialism, supported the sovereign right of all peoples to self-determination and condemned all military intervention and foreign aggression and occupation.

(Mr. Montalvo, Ecuador)

75. In consonance with those principles, his Government had maintained a watchful posture with respect to Haiti and Yugoslavia, had supported the processes under way in Cambodia and Western Sahara, and had endorsed the right of the Palestinian people to recognition.

76. Mr. YOSSIPHOV (Bulgaria) said that the two Decades to Combat Racism and Racial Discrimination were the direct outcome of the consensus among Member States on the need to adopt specific measures to eliminate racial prejudices, and of the awareness that racial discrimination not only gave rise to internal tension but endangered international stability as well. The study of achievements to date and obstacles encountered during the past two Decades would allow future activities to be better planned. Priorities must be set and specific initiatives taken on the basis of consensus decisions, and cooperation between the international community and non-governmental organizations must be strengthened. In that connection he commended the seminar organized in Geneva by the Centre for Human Rights on the political, historical, economic, social and cultural factors contributing to racism, racial discrimination and apartheid.

77. He commended the work of the Committee on the Elimination of Racial Discrimination, but stated his deep concern over the Committee's financial status, which could seriously disrupt its activities. It would be difficult to implement the International Convention on the Elimination of All Forms of Racial Discrimination if countries did not fulfil their financial obligations in a timely manner. In that connection his Government was taking the necessary steps to rectify the approach adopted by the former regime, and in August 1991 would submit three delayed periodic reports to the Committee.

78. Bulgaria had repeatedly condemned the immoral system of apartheid. The recent encouraging developments in South Africa, in particular the legislative reforms, had removed the legislative pillars of that abominable system and had opened the way for negotiations on a new constitution. Recourse to violence, however, was jeopardizing the constitutional process. Bulgaria welcomed the agreement on the return of refugees and political exiles and the signing of a peace accord. It hoped that those developments would make possible the establishment of a just, united, democratic and non-racial South Africa.

79. Bulgaria condemned racism and racial discrimination, which persisted in new and disturbing forms. Measures were needed to bring about a fundamental change in the attitudes of all members of society and in the understanding of human rights. For that reason, within the context of the radical changes which were being implemented in his country, attention was being given, not only to the establishment of an effective mechanism for the protection of human rights and fundamental freedoms, but also to the promotion of public information activities and of education, in order to eliminate any irrational hostility based on racial prejudice.

80. Mr. MOORE (United States of America) said that the recent developments gave cause for optimism, and the United Nations had benefited from that optimism. As one set of problems receded, however, others came to the fore. Racism, for example, could not easily be eradicated and it still persisted in certain parts of the world. In the United States, with a multiracial society, every individual was protected by the Constitution and by state and federal laws. The mere existence of legal instruments, however, did not guarantee, either in the United States or in any other country, that there would be no racial discrimination. For that reason, the International Convention on the Elimination of All Forms of Racial Discrimination did not offer any real protection against the effects of racism, unless it was accompanied by effective enforcement measures. His Government had therefore insisted on the implementation of human rights standards as the most important step in guaranteeing civil and political rights. It believed that racism was the product of human prejudice.

81. The United States remained concerned by the human rights situation in South Africa and vigorously opposed the system of apartheid, as well as all violent and terrorist actions which infringed basic rights. He welcomed the progress made by South Africa towards the total elimination of apartheid, the removal of the legal pillars of that system, the unbanning of political parties, the release of Nelson Mandela and the signing of a peace accord. In view of that progress, the United States was opposed to the imposition of comprehensive mandatory sanctions on South Africa.

82. His country had fully supported the original objectives of the First Decade to Combat Racism and Racial Discrimination, proclaimed in 1973, but had stopped participating in the debate in 1975, when the General Assembly adopted resolution 3379 (XXX). The false characterization of zionism contained in that resolution had tainted the First Decade and continued in the Second, in which the United States similarly was not participating, since that Decade was a mockery of the principles on which the United Nations had been founded. He urged that steps be taken to remove that stain as speedily as possible.

83. The United States believed that the objective of the Arab-Israeli peace process was to reach a comprehensive settlement through negotiations based on Security Council resolutions 242 (1967) and 338 (1973). Those negotiations must be face to face. The principle of direct negotiations had been accepted by the parties to the conflict. As a transitional period was needed to allow the parties to adjust to the changes and to be persuaded that peace and coexistence could be beneficial, his country had proposed a two-phased approach, which the parties had accepted, comprising negotiations first on interim arrangements for self-rule and then on final status. Prior to those negotiations, neither the United States nor any other party would support the annexation or permanent control of territories by Israel or the creation of an independent Palestinian State.

(Mr. Moore, United States)

84. The United States had always supported the application of the right of self-determination to international issues. That right was not absolute, since, in cases where there was a conflict of rights, those of one group could limit those of another. The right of self-determination should therefore be implemented through negotiations in which a balance was maintained between the two groups; furthermore, the needs of minorities must also be respected.

85. He deplored the attack against the President of Haiti, a glaring example of the deprivation of a people's right of self-determination. He saluted the members of the Organization of American States for their endeavours to ensure respect for the will of the people of Haiti, as expressed in free and legitimate elections, and called upon those who had usurped the authority of the Government to permit the restoration of the constitutionally elected President.

86. One year previously, Kuwait had still been in the grip of Iraqi forces. Thanks to the concerted efforts of the United Nations, the legitimate Government of Kuwait had returned to power. The United States hoped that both those who opposed such usurpation and those who were inclined to practise it would remember what the United Nations was capable of when it stood truly united.

87. The people of Afghanistan were continuing their struggle for self-determination against a foreign-installed regime. That regime must be replaced by a legitimate and stable government which truly represented the Afghan people. The United States supported the efforts by the Secretary-General to assist the Afghan people in reaching a comprehensive political solution to the conflict.

88. His country similarly believed that the Members of the United Nations should urge the military regime of Myanmar to respect the will of its people by implementing the results of the 1990 elections, putting an end to human rights abuses and instituting political and economic reforms.

89. In Cambodia, following two years of diplomatic efforts by the five permanent members of the Security Council, a settlement formula had been reached which included the participation of the United Nations. That formula had been accepted by the four Cambodian factions and it was hoped that a final peace agreement would be signed in Paris on 23 October. Under that settlement, a political process would be initiated, culminating in free elections organized by the United Nations, the withdrawal of foreign troops would be verified, special measures would be implemented to protect human rights and, above all, the Khmer Rouge would be prevented from imposing another reign of terror on the region. The United States was pleased that its initiatives had contributed to that process and believed that it reflected the new spirit of the age, including a reliance on the United Nations to help solve regional conflicts.

90. Mr. WAN HANAFIAH (Malaysia) expressed his concern over the lack of resources which continued to hamper implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination and stressed that high priority should be given to that issue. He also regretted that no progress had been made towards meeting the objectives of the Second Decade and that new manifestations of racism and racial discrimination had emerged, in particular against migrant workers in some parts of Europe. Malaysia supported the recommendation made by the Commission on Human Rights in its resolution 1991/11, concerning the proclamation of the Third Decade against Racism and Racial Discrimination.

91. The changes which were under way throughout the world had also had repercussions in South Africa, the only country which had institutionalized racism through its system of apartheid. The international community in general had welcomed the measures adopted by the Pretoria regime. The vast majority of the people of South Africa were still deprived of their freedom, however, and were suffering from social and economic inequality resulting from decades of oppression.

92. Malaysia hoped that the accord signed by the Government, the African National Congress and the Inkatha movement would bring a swift end to the wave of violence. Malaysia recognized and welcomed the changes taking place in South Africa, but believed that the international community should maintain a united position until apartheid was completely dismantled and that no unilateral decision to abandon sanctions should be taken, since such actions could remove the incentive for negotiations and undermine the process of change.

93. The Commonwealth Heads of Government Meeting in Harare would lift sanctions relating to contacts between the peoples, in accordance with the recommendation made by the Commonwealth Committee of Foreign Ministers on Southern Africa, of which Malaysia was a member, but the other sanctions would remain in force until the interim government had been set up.

94. His delegation thanked the Government of Australia for its report on the work of the commission set up to investigate the death of aborigines in custody. It was also gratified that the Government of Australia was committed to taking measures to address the problem.

95. The Palestinian people had been suffering under the oppressive Israeli occupation for 40 years. Yet its legitimate claims were being met with increasingly inhumane and repressive measures. In particular, Malaysia regarded the Israeli policy of encouraging the emigration of Jewish people from Eastern Europe and other parts of the world, while at the same time preventing the return of Palestinians to their homeland, as morally indefensible.

96. Malaysia welcomed the United States peace initiative on the Middle East, but was concerned at the way in which Israel continued to place obstacles in

(Mr. Wan Hanafiah, Malaysia)

the way of a peaceful settlement of the question. For example, the accelerated build-up of settlements in the occupied territories was an act of provocation, and ran counter to the efforts to secure peace. The international community must show solidarity with the Palestinian people and must not allow Israel's intransigence to triumph.

97. Malaysia welcomed the positive developments in Cambodia and the agreement to be signed in Paris on 23 October 1991. The United Nations had played, and in the months to come would continue to play, an essential role in ensuring that the Cambodian people, made up of various groups and religions, would be able to exercise their right to self-determination and to choose their government in fair elections. Malaysia urged the international community to provide technical and financial aid, and to assist the Khmer people in embarking on a new and peaceful life, thereby also paving the way for fuller cooperation among all the countries of the region.

98. With regard to the people of Western Sahara, the Government of Malaysia welcomed the establishment of the United Nations Mission for the Referendum in Western Sahara, and hoped that a peaceful and lasting solution to the conflict would be found.

99. Mr. LI (Democratic People's Republic of Korea) said that the eradication of racism and apartheid was one of the most important tasks facing the international community. The positive changes introduced by the Pretoria regime, and the encouraging example of the victory won by the Namibian people, gave cause for optimism about the possibility of building a democratic and non-racial society in South Africa.

100. However, the white minority continued to occupy 87 per cent of the country's cultivable land, thereby depriving the black majority of their livelihood. The situation called for the international community to speed up the process of abolishing apartheid, with a view to the speedy fulfilment of the South African people's aspirations.

101. The Government of the Democratic People's Republic of Korea, which regarded racism as the most serious violation of human rights, had supported all steps taken by the United Nations to oppose racial discrimination, and reaffirmed its solidarity with the people of South Africa in their just struggle.

102. Respect for the right of self-determination was a fundamental principle that must govern relations between States. The Democratic People's Republic of Korea, which had long suffered colonial oppression, firmly supported the struggle of all peoples to achieve independence and sovereignty. Consequently, it welcomed the independence of the Namibian people and the forming of the Supreme National Council of Cambodia, and supported the efforts of the Palestinian people to exercise its right of self-determination.

103. Ms. NASHILONGO ELAGO (Namibia) said that although scarcely a year had passed since Namibia became a Member of the United Nations, now, at the forty-sixth session, it could already welcome new Members to the Organization.

104. After stating that Namibia was now firmly established as a sovereign, secular and unitary State, founded upon the principles of democracy, respect for human rights, and fundamental freedoms for all its people, she cited various articles of the Constitution in which those principles were enshrined.

105. The Government and people of Namibia remained concerned at the continued suffering and destruction caused by the system of apartheid in southern Africa. The violence in the black South African townships continued. Consequently, Namibia urged the South African Government to end the violence, in order to create an atmosphere conducive to serious negotiations for a new constitution which would transform South Africa into a united, non-racial and democratic society. She also reiterated the call to the international community to continue to exert pressure on South Africa to bring a speedy end to apartheid.

106. On the question of the right of self-determination, her Government wholeheartedly supported the international efforts to bring an end to the last vestiges of colonialism, racism and foreign occupation, and to assist oppressed peoples in exercising their inalienable right of self-determination and national independence.

107. Namibia was in favour of conducting a referendum in Western Sahara and was confident that it would be fair, enabling the people of Western Sahara to exercise their inalienable right of self-determination and independence.

108. On the question of Palestine, her country supported the convening of an international conference on the Middle East, in which all parties concerned, including the Palestine Liberation Organization, would participate, in order to end the suffering of the Palestinian people and find a lasting solution to the conflict in the region.

109. After stressing that the issues of racism, racial discrimination and the right of self-determination should form an integral part of the call for a new and just international economic order, she reiterated her Government's commitment to participate actively in the search for a new Strategy for the Fourth United Nations Development Decade, and called upon all countries of the north to recognize the developing countries' wish to see an equitable international economic order established.

110. Mr. SENILOLI (Fiji), speaking in exercise of the right of reply, rejected the remarks made by the representative of India regarding the situation in Fiji, describing them as interference by India in an internal matter. The constitution to which that representative had referred had been promulgated in 1990 and would be used for the first time in the elections of 1992. He stressed that all groups would participate in the electoral process, and that

(Mr. Seniloli, Fiji)

once an elected parliament was in place the people of Fiji would be able to settle their differences. He considered the call by the representative to be unwarranted, since it only encouraged groups to harden their attitudes, and thus, not to cooperate.

The meeting rose at 5.25 p.m.